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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 2 August 1946, 1000-1700, Lord Justice Lawrence presiding

ROLF HEINZ HOEPPNER * Resumed

CROSS EXAMINATION -- Continued.

BY COLONEL SMIRNOV:

Q. Witness, I request that you explain some of the testimony which you gave yesterday. Please give me very brief answers. First, you told yesterday that SD had no relationships whatever toward working out the plans of aggression and was not even aware of such plans. You further stated that the SD since 1934 and up to 1939, in other words during the period of the organization of the plans, was engaged in activities which were very far from carrying out any police functions and actually had the nature of a scientific and research organization, is that correct?

A. I didn't say that.

Q. No, I said scientific and research character.

A. I explained that the SD participated in tasks, for instance, tasks concerning the work of ascertaining the state of living in Germany and also statistical tasks.

Q. You further stated that the SD had no relations whatsoever towards crimes against peace and crimes against humanity, is that correct?

A. Yes.

Q. Mr. President, I would like the permission of the Tribunal to submit the original of a German document from the Archives of the Central SD, which is a document captured by the Red Army in the Berlin District and refers to the invasion of Czechoslovakia.

Will you kindly follow me, Mr. Witness, while I quote from the document in the Russian translation?

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"Communication. June 1938. Berlin. Secret. Subject: Deployment of SD in Czechoslovakia." Text follows:

"The SD should prepare to start its activity in case the German Reich and Czechoslovakia become united. The manifold planning and the preparation of the operational staff for mobilization should be effected on the basis of approval...."

THE PRESIDENT: You read out a date of June, 1938. I can't see that at the head of the document.

COLONEL SMIRNOV: June, 1938, yes.

THE PRESIDENT: It doesn't appear at the head of the document. Does it appear somewhere else?

COLONEL SMIRNOV: Your translation probably does not have it, Mr. President. The original has it.

COLONEL SMIRNOV: Mr. Chairman, we submitted copies of two different documents and I am afraid the mistake might have been caused by the fact that your translation is not the translation of the document which I am submitting right now. We submitted copies of two different documents, two different translations.

THE PRESIDENT: It is an entirely different document or else some parts are omitted. The date is not on the document. Go on. Go on.

BY COLONEL SMIRNOV:

Q. "Dividing functions, the SD follows wherever possible directly behind the advancing troops and takes upon themselves duties similar to their duties in the Reich which are the security of the political life, and at the same time, the security of all enterprises for peoples' economy and war economy. In order to achieve this purpose, we suggest the distribution of this country in temporary Oberabschnitt and Unterabschnitt. The latter have to be sub-divided in Aussenstellen in order to assign the SS members immediately to their task".

This document shows, therefor, that SD had taken an active part in working out the plans of aggression and was meant to take part in it. I am

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asking you, Mr. Witness, this excerpt shows that SD was not only aware of the plans of invasion and aggression, but also, that it took an active part in working out the plans?

A. May I first say something defending the document?

Q. I would like you to answer briefly, first. Answer yes or no. Explain later, please.

A. From the document, it is obvious that it is only concerning ....

Q. We will talk about that a little later. You will see, then, what the main point is. Refer to the excerpt which I read. Do you not see evidence there that SD was both informed and took an active part in the plans of aggression?

A. I said yesterday that the interior and foreign information services..

THE PRESIDENT: We do not care what you said yesterday. We want to get your answer today. You were asked a question which can be answered by yes or no. You can explain afterwards.

A. The document has nothing to do with the interior information service.

Q. In that case, I would like you to look on Page 3 of the document. You testified yesterday that SD had no connection, whatever, to some of the points I am going to bring to your attention here. I am going to read an excerpt here. It is Item 2. Please pay attention to what I am reading now.

THE PRESIDENT: It is being read too fast. The translators do not have time to translate it.

COLONEL SMIRNOV: Thank you Mr. President.

BY COLONEL SMIRNOV:

Q. The excerpt that was just read does not mention that SD made demands and that the plans were made in terms of fulfilling those demands, and that planning and staffing of the general staffs was going to take place in terms of the demands?

A. Excuse me. It was apparently translated incorrectly. Your question does not make sense to me.

Q. It seems to me the question is quite clear. It must be in terms of

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demand. Please look at the text of the document.

A. In my text there is absolutely nothing concerning this.

Q. 202(a), Page 3 ?

THE PRESIDENT: To which words are you referring now?

COLONEL SMIRNOV: I am referring to Section 2, Mr. President.

THE PRESIDENT: You must go slowly. You simply say Page 3. It happens not to be on Page 3, on our Page 3. It is on Page 2. How do you expect us to find it when you refer to it that way?

COLONEL SMIRNOV: It is Section 2, Mr. President. There is Roman Numeral II in front of the section.

BY COLONEL SMIRNOV:

Q. What answer will you give then, Mr. Witness? What answer will you give me with regard to manning the staffs of the planning agencies of SD?

A. From the paragraph, it can only be that the SD has requested it shoul be prepared for it, but not thatthey should plan anything.

Q. In that case, I should like to ask you to turn to Section 3.

COLONEL SMIRNOV: Mr. President, please turn to Section 3. It is Page 4 of the Russian text. I refer to Roman III, Item 1. Then refer to the next page of the Russian text which follows right after the list of cities. It is page four of the English Text. "As soon as any district is free from the enemy, that is unoccupied, the allocated groups are immediately sent to the District Administration following the advancing troops. At the same time, the groups which are intended for the next district follow, too, in order to get used to the situation there".

Will you deny after this that it was precisely SD which helped to pass the agency?

A. From this document it can only be seen that the head office of these groups has been organized.

Q. If this does not convince you, then I would like you to turn.....

THE PRESIDENT: You must go more slowly. We will not hear what the witness says if you interrupt him during the time it taks for the translation to come through. It is impossible for us to understand if you interrupt.

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COLONEL SMIRNOV: I beg your pardon, Mr. President, I stated that if this does not concern the witness, that was precisely that the SD helped to staff these operational groups.

Then I would be obliged --

THE PRESIDENT: Wait a minute. Then the witness said something about Einsatzgruppe. What did you say about Einsatzgruppes?

THE WITNESS: The question was whether I am now convinced that the Einsatzgruppes were being prepared beforehand, and I answered that --

THE PRESIDENT: No, you were not asked about Einsatzgruppes at all. You were asked about the SD.

THE WITNESS: I was asked whether the SD was preparing the Einsatzgruppe beforehand, and I said that from the document, the SD had prepared a head office of these groups.

BY COLONEL SMIRNOV:

Q Please look at Paragraph V -- Section V -- entitled "Preparatory Measures". Page 5 of the English text.

A Yes.

COLONEL SMIRNOV: Mr. President, I want to quote Section V, "Preparatory Measures".

"Preparatory Measures; Demarcation of Districts of the SD and of the Gestapo: (a) in Germany (b) in occupied territory.

"Suggestion: Measures in Germany are carried out under the guidance of the Gestapo and with the assistance of the SD. Measures in the occupied regions are carried out under the leadership of the senior officer of the SD. Gestapo officials are assigned to certain operations staffs. It is important that so far as possible similar preparations, training and the use of materials should be conducted in the Gestapo as in the SD."

BY COLONEL SMIRNOV:

Q Would you not say that this shows that it was precisely they that took the leading part in preparing these plans, and that its activity consisted of this type of criminal activity?

A About criminal activity I read nothing here. As for the questions concerning the SD, I would like to answer the first question that it had

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nothing to do with the domestic information service.

THE PRESIDENT: The man had not yet finished his answer. We do not know what his answer is. Now repeat your answer.

THE WITNESS: I said that I read nothing about criminal measures in the document, and I said previously that the document had nothing to do with domestic information services.

BY COLONEL SMIRNOV:

Q It says there SD. Can you argue about the term used by the document? Can you deny that?

A The word "SD" means many things.

Q But it seems to me that in this connection the term is used in precisely the sense in which the authorities in Germany had used the term. The German officials understood the terms they used, did they not?

A Yes, but it is about the foreign information service.

Q I would like you to look at the continuation of the same quotation, Number 2, entitled, "Establishment of Files in Section III, 225 of the Central Administration of the SD:

"(a) Collecting and utilization of all available materials of the SD Oberabschnitt is concentrated in Section III, 225.

"(b) In establishing duplicate local files for each region, one copy remains with central departments, and the second is sent to the operations staff appointed to definite regions."

I am stopping right there and would like you to pay special attention to Item (c):

"Files must have notations such as these: 'to arrest', 'to liquidate', 'to remove from work', 'to place under observation', 'to confiscate', 'police surveillance', 'deprivation of passport'."

Do you not think that when the filing department of the SD made a statement like these on the cards of specific persons, such as to liquidate, to arrest, that the SD was participating in crimes against humanity?

A I can only repeat that the document has nothing to do with the domestic information service of the SD.

Q Did I understand you correctly yesterday to say that you deny that

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there was any liaison or relationship between the SD and the SS units?

A Yes.

Q I would like you to look at the end of this document, of this plan, the last paragrph, Number VII:

"It is necessary to establish liaison with some SS units or with special operational units."

After seeing that, do you still deny that there was any direct relationshi between the SD and the SS units in organizing their mutual activity?

A From this paragraph, in any case, it is not evident.

Q In that case, how should we interpret the sentence which I just read?

A From this paragraph one can only understand that if such an Einsatzgruppe comes to its operational activity, a troop of the SS should be present there whenever they march into a civilian territory and that there should be some connection between military units and a civilian unit, but I should also like to repeat that this document shows only that it is a draft project of a head of a department who had a responsibility beyond being the hea of that department, and the mark on the document shows that it is a draft of an assistant to the head of the department and that it was never okayed by the head of the department or the head of a division, or the head of an office.

Q In that case, it appears that you claim that the document just shown you is merely a plan?

A It is only the plan of an assistant departmental head of Department III, 225, and the head of Department III, 225 did not okay it, and the head of Division III has also not okayed it.

COLONEL SMIRNOV: Mr. President, to show that the witness' testimony is not correct, I would like you to turn to a document signed by Schellenberge Chief of the Central Division 11 and to the chart which you will find in the original. It shows that even the chiefs of the SS commands were appointed --

THE PRESIDENT: Just wait a minute.

Colonel Smirnov, the Tribunal would like you to read on from the place you had got to in paragraph V, so that the document may be translated and translated now at once. You had got just to the placeswhere it speaks of files, and at the end of "Files", paragraph 2 --

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COLONEL SMIRNOV: That is right, Mr. President. Do you want me to start reading from point (b) or from point (c)?

THE PRESIDENT: Point 3.

COLONEL SMIRNOV: Yes. "Establishing of duplicate local rifles for each region --"

THE PRESIDENT: That is not what I meant. You had read Paragraph Roman V, down to the end of (2), the last words of which are "-- deprived of passports." The next paragraph is (3), small (3), Arabic (3) -- "It is imperative -- ".

COLONEL SMIRNOV: That is right, Mr. President.

THE PRESIDENT: We want the whole of the document from there.

COLONEL SMIRNOV: Yes, Mr. President.

"It is imperative to speed up the obtaining of necessary economic and political materials and to obtain these as quickly as possible, such as maps, dictionaries, stationery, and office materials.

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5. Allocated members and agents of SD have to undergo a training course in order to get acquainted with the galguage and with the general conditions of life in Czecho-Slovakia. However, it might be advisable to train only persons appointed for the subsections for leaders for the foreign branches and manager of enterprises in order not to increase the number of persons who are acquainted with the matter.

6. Release from military conscription of the appointed persons.

7. Elaboration of plans, (a) for carrying out the tasks mentioned in paragraph III; (b) for notification before the attack in due time, of the persons mentioned in paragraphs III 5,2, 1, b and II c in order to give them the possibility to hide themselves to avoid arrest and deportation and to enable them to fulfil their missions.

8. Providing an opportune time and necessary passes for entering zones of operation in order to secure a free passage.

Living and working accommodation.

Shall I read Paragraph VI, Section 6, Mr. President ?

THE PRESIDENT: Yes.

COL. SMIRNOV: VI. Miscellaneous. Only educated persons are supposed to be employed , as far as possible, as :

1. At the beginning we should count only or primarly on guerilla and partisan warfare; 2. for that reason the weapons which are necessary will be carbines, pistols, hand grenades, anti gasmasks, and if possible sub machine guns; 3. relations in the zone of military operation demand appropriate conduct. VII --

THE PRESIDENT : You have read VII already. You better go back now to III

COL. SMIRNOV: Yes, Mr. President. Training of special agents (beforehand) from (mentioned in Item 21) persons of German extraction living in Czecho-Slovakia who are to take over the duties of secretaries of the most important enterprises for the purpose of preventing sabotage on the part of the Czech organizations.

THE PRESIDENT: I think we better go back to II' paragraph 2a, training of suitable persons.

THE PRESIDENT: Now, you were reading II, paragraph 2a, beginning with the words, "Training of suitable persons", were you not ?

COL, SMIRNOV: That is right, Mr. President. May I continue ?

THE PRESIDENT: Yes.

COL. SMIRNOV: Besides-- interpreting verbatim from the Russian text-- besides staff members of the SD we should also try to employ specialists, because German agencies should not be deprived of proper personnel, and special regions, outside regions, should take similar measures to attract specialists and suitable persons to their staffs.

b. Training of specialists of the above-mentioned branches, and especially of groups of specialists for speedy technical help for further allocation at such vital branches of production as supply of gas, water, and electricity, and for their quick restoration in case they are destroyed.

c. --

THE PRESIDENT: I don't think you need read that. I think you should have the original document retranslated.

COL. SMIRNOV: Yes, Mr. President, we shall do it today.

THE PRESIDENT: The Tribunal directs that the original German document shall be retranslated into the other languages, namely, into English into French, into Russian.

CO. SMIRNOV: Yes, Mr. President.

THE PRESIDENT: Now will you turn to the document which follows the document you have been reading and which appears to be some sort of letter from an Oberfuehrer of the SS. It is addressed to Dr. Best.

COL. SMIRNOV: Yes, Mr. President. Shall I read the whole document or just the first paragraph ?

THE PRESIDENT: You better read the first paragraph, anyhow.

COL. SMIRNOV: 2253 to SS Fuhrer Dr. Best, Berlin. To SS Oberfuehrer, Dr. Best, Berlin. The contents follows : Introduction of the Einsatz of Gestapo and of the SD RFSS on the territory of Czecho-Slovakia. Text: The deployment of Gestapo and SD as indicated and suggestion and foreseeing of twelve detachments along the entire border

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of Czecho-Slovakia will be subject to some modification as a result of the new situation which permits the concession by the Czechs of the Sudetan territory, since some of the detachments will not be able to get into the district which will become German. For that reason we offer the following changes.

Shall I continue the quotation, Mr. President ?

THE PRESIDENT: You don't need to read the rest. But is that document dated ?

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COLONEL SMIRNOV: No, Mr. President, there is no date on the document.

THE PRESIDENT: What you stated there did not come through.

COLONEL SMIRNOV: There is no date here, but there is another date on another document, which I would like the Tribunals permission to submit. The document which is addressed to Dr. Best has no date, but the next document has a date, and it is the following document that I consider extremely important. I would like the Tribunal's permission to submit it. It is a very short document, signed by Sternberg.

"Berlin, 18 September, 1938, Office 1113, Headquarters, to the Departmental Chiefs, III, SS Oberfuehrer Yost, or his deputy.

"Contents: Organizational Chart of the Einsatzkommandos, Operational Command".

Omitting the next sentence,

"According to the regulations of the above mentioned letter, I enclose herewith a photostatic copy of the Einsatzkommandos Organizational Chart. The Chart has been prepared by Department C according to the enclosed form".

(Signed) The Chiefs of the Central Department, 11 A B SS,

Hauptsturmfuehrer Sternberg" .

Mr. President, I should like you at this point to look at the chart which is attached, and which at that time already reproduced very correctly the organization of the Einsatzkommandos. You have all the details of the organization there showing 11 different units. Among those who are the leading collaborators of the Central Headquarters, in the second column, you can find that at that time already there was included the chief of the gas chambers to be put into effect later, the man to whom later all the reports with regard to the activity of the gas chambers and the special death wagons, motor cars, that killed people, who were gassed.

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THE PRESIDENT: I do not see that on the chart.

COLONEL SMIRNOV: It is in the second column.

THE PRESIDENT: Show me where. Where is it?

COLONEL SMIRNOV: (Indicates)

THE PRESIDENT: Yes. But can't you show me where it is?

COLONEL SMIRNOV: Yes, Mr. President. There it is. (Indicating) (A document was handed to the President)

THE PRESIDENT: But Colonel Smirnov, there must be some words on the document which indicate what you are saying.

COLONEL SMIRNOV: I thought, Mr. President, that what happened was explained by the inaccuracies of the translation; that is, by misunderstandings here. You see, the member was a Mr. Rolf, the man who was mentioned there, to whom the reports about gas chambers and other methods of killing people who were gassed were discussed. And there he is. That post had been prepared and foreseen in that chart.

THE PRESIDENT: What is his name?

COLONEL SMIRNOV: Rolf, Mr. President. As early as 1939 we see his name and the post which he was to occupy. This is why I want to draw your attention to that.

May I continue the interrogation?

THE PRESIDENT: Colonel Smirnov, the Tribunal would like to have photostatic copies of this document.

COLONEL SMIRNOV: Yes, Mr. President; we have ten copies.

THE PRESIDENT: We anticipate that you are going to give the document to the witness and examine him upon it.

COLONEL SMIRNOV: Yes, Mr. President. The witness has it before him already.

THE WITNESS: Yes; I have a photostatic copy here.

COLONEL SMIRNOV: Mr. President, I should like to ask the witness the following question:

BY COLONEL S MIRNOV:

Q Mr. Witness, tell me this. Did not the leading personnages of the SD and the staff of the SD make and keep a list of persons who were intended to be annihilated, or exhausted by labor?

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A Is the question being asked with reference to this document?

Q In connection both with the document and with your knowledge of the situation.

A I do not know whether it was done.

COLONEL SMIRNOV: Mr. President, I am asking your permission to submit --

THE PRESIDENT: The witness has not answered.

Will you answer the question?

THE WITNESS: I SAID THAT I did not know whether such lists were made.

COLONEL SMIRNOV: Mr. President, I request your permission to submit the second German document which relates not to the --

THE PRESIDENT: Colonel Smirnov, we wanted you to ask the witness some questions so as to explain the chart. We have only just seen the chart. Have you no questions to ask on the chart?

COLONEL SMIRNOV: Yes, Mr. President, I will ask these questions.

BY COLONEL SMIRNOV:

Q Do you have the chart before you, witness?

A I have the photostatic copy of the manuscript chart.

(A document was handed to the witness.)

BY COLONEL SMIRNOV:

Q You will now have the original of the chart.

Do you recognize the names of the colleagues and the collaborators mentioned in the chart?

A Yes.

Q Who was Jost?

A Jost was the head of Office III of the Foreign Information Service, and he had been in Division VI of the Foreign Information Service.

Q Anyway, in 1939 he was a member of the SD?

A Yes, he was a member of the SS Special Department, SD, and was head of the Central Department III of the Central S[illegible].

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THE PRESIDENT: I thought you told us that the SS has got no connection with the SD. You are now telling us that this man was head of the SS Department, SD, are you not?

THE WITNESS: There must have been a false interpretation. May I repeat my answer?

THE PRESIDENT: Yes, repeat your answer.

THE WITNESS: Jost was the head of Central Department III, Foreign Information Service, in the former SD head office. He was later the First Division Head of Office VI of the Foreign Information Service, and he was there before Sternberg, who was also heard by this Tribunal.

BY COLONEL SMIRNOV:

Q Are you acquainted with the name of Erlinger?

A Yes.

Q Who was he?

A I know Erlinger first from a later period. He was the last No. I Division Head of the Reichsicherheitshauptamt.

Q He was also a member of the Sd, was he not?

A He also belongs to the SS Sonderformation Sd, too.

Q Do you know the name of Rolf? Do you recognize that?

THE PRESIDENT: The translation came through to us that he was a member of the SS-SD.

THE WITNESS: He belonged to the SS Special SD Formation, about which we spoke in detail yesterday; that is to say, the merger of SS members who were in the Sicherheitspolizei, and of Gestapo and criminal police members; that is to say, not all members of these, but only those who belonged to the SS, and also those who were official workers with the SS, and also some other officers who worked with the Sicherheitspolizei -- for instance, Henschutz, a witness, and later several others.

THE PRESIDENT: Go on.

COLONEL SMIRNOV: Thank you.

BY COLONEL SMIRNOV:

Q Do you know the name of Rolf?

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A Yes.

Q What was he at that time?

A Rolf at that time had charge of the job belonging to the Sicherheitspolizei, as far as I remember today. I should like to say that at that time I had no connection with the Central Office in Berlin, and according to the organization of the Hauptamt of the SD at that time, there was between the lower divisions and the Head Office an organizational set up which was abolished in September, 1939.

COLONEL SMIRNOV: Mr. President, the American Prosecution kindly gave me the text of a document already submitted to the Tribunal which shows that reports on the killings were addressed specifically to Mr. Rolf. These are the documents which I am now passing on to the Tribunal. These documents have been submitted already. I am merely showing them here right now as a reminder.

BY COLONEL SMIRNOV:

Q And now, Mr. Witness, I should also like you to look at the circle showing "Einsatzkommando" in the chart. Do you recognize the names mentioned there?

A I do not know yet which names you mean.

Q I am talking about the last circle, Einsatzkommando 2, 3, 8, 9, and others. Have you found the place?

A Is that another document?

Q No; that is precisely the same document.

A On the manuscript document which I have, I can see no such circles. It must be another document.

Q Please look at the circles around " Einsatzkommando". Do you recognize any of the names within those circles?

A On the document which is appended to the one signed by Obersturmfuehrer Seitl.

Q Do you recognize the names there? Specifically, do you know Gottschalk?

A No.

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Q Dr. Lehmann?

A No.

Q Schultze?

A I gather that there must be a confusion of names there, and it should be "Schultz".

Q That is right, "Schultz".

A Yes, I know. Here we have "Schultze."

Q That is a mistake. I have it as " Schultz."

A I know Schultz, but not Schultze.

Q Was he a staff member of the SD?

A I think that he was formerly Stabspolizei Chief somewhere in Northern Germany.

Q Do you know Biermann?

A I do not know him personally, but I have heard his name.

Q Who was he?

A I beg your pardon? I think that he was then Stabsleiter Later he became Inspector of the Sicherheitspolizei.

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Q Do you know Heinrich, Dr. Heinrich?

A I didn't know him. Was he Einsatz Commander 1c?

Q No, Einsatz Commander 4.

A I didn't know him.

Q Hoffmann?

A No.

Q I did suppose that you know Stahlecker though.

A I know him by name but I didn't know him personally.

Q You are acquainted with the post he held though?

A I think that he was then inspector of the sicherheit police, but I can't quite remember what he was.

Q And do you know Guenther

A Guenther, If I remember right, was at that last time inspector in Berlin

Q Inspector of S.D.?

A There were no S.D. inspectors at that time; there were only inspectors of the Sicherheits police.

DR. SEIDL SHIRKOV : I have no more questions about the chart, Mr. President. May I ask some other questions?

THE PRESIDENT : These words "I.K." in the circle at the bottom mean Einsatzkommando I suppose, do they? And will you tell the Tribunal what the purpose of the chart is? What is the organization which it is supposed to define?

The translation didn't come through.

THE WITNESS : Could you repeat your question, Mr.President.

THE PRESIDENT : What is the organization which the chart is supposed to define?

THE WITNESS : I suppose that it is the preparation of some plan of Gruppenfuehrer Heydrich which the offices of the Sicherheits police and the SD, which were beneath him, were preparing for some eventual development with Czechoclovakia, as it was at that time, and where the Einsats-kommandos could be used. Then actually, later, when the marching into

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Czechoslovakia occured, there were units of the Sicherheits police and of the SD which were called into Czechoslovakia at the same time and which, just like the Einsatzkommandos and the Einsatzgruppen in the east, were mobile units, units of a very special nature which had been newly set up and had entirely new tasks, and which later were dissolved as the State police office in Prague under the SD was organized.

THE PRESIDENT : Well, I am not concerned with whether they were later dissolved. Heydrick, I suppose, was in command of the whole of the SD, was he not?

THE WITNESS : Yes, Heydrich was head of the SD head office and at the same time head of the Sicherheits police, personally united in him.

THE PRESIDENT : Was Stahlecker a member of the Information Branch of the SD that you are speaking of?

THE WITNESS : I cannot state that in detail. If I remember correctly, Stahlecker had at that time some function in east Prussia.

THE PRUSSIA : You said it just now, I thought, that Stahlecker was in Berlin?

THE WITNESS : In East Prussia at that time. In my opinion, Guenther was in Berlin. His name was also mentioned previously.

THE PRESIDENT : Yes. Well, was he a member of the SD Information Service?

THE WITNESS : Yes, I think that he was then head of the Berlin Oberabschnitt. I can not say it with certainty.

THE PRESIDENT : Was he also a member of the SD information Service?

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THE WITNESS : I Don't know in what office Erlanger was then employed. I heard his name only later as head of Office I.

THE PRESIDENT : What about Rauf?

THE WITNESS : Rauf was then in charge of the transportation of the S head office, but ---

THE PRESIDENT : But the information service of the S , was he a member? Was Rauf a member of the SD information services?

THE WITNESS : He was head of a technical department in the SD head office. In the SD head office at that time, which handled foreign information and domestic information, in central head office No. 1 he had a technical office

THE PRESIDENT : One of his functions was to work in the Information Service of the SD, in the domestic Infirmation Service of the SR?

THE WITNESSES : He had also the truck transportation for the domestic ---

THE PRESIDENT : Yes, but you can answer the question yes or no. Was it part of his function to work in the domestic Information Service of the SD?

THE WITNESS: Well, he had no competence, as you call it, in the domestic Information Service of the SD?

THE WITNESS: As far as I can remember, he had only the truck transportation of the SD head office; also for the domestic Information Service.

THE PRESIDENT: Doesn't that chart show that the S was working in close coordination with the Gestapo?

THE WITNESS: The chart shows, in my opinion, only that the head of the two organizations was preparing, in case of marching in Czechoslovakia, an organization of men who could be used for Einsatz.

THE PRESIDENT: And don't those documents show that your comment about the first document was inaccurage and that that document was being used by Schellenberg in September, 1938, for the

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purpose of organizing the SD in Czechoslovakia?

THE WITNESS: I think it impossible that this document should have been used, because in that case the date would have been added to it; and, secondly, then the Roman figures at the end of the document would have been initials. Whether another draft was made later and submitted, that I don't know.

THE PRESIDENT: Well, you see that the first document is headed Roman III, Arabic 225. The letter to Dr. Best is also headed Roman III, 225, and it refers to the suggestion which is no doubt contained in that document; and the chart itself is also headed III, 225.

THE WITNESS: Yes; I suppose that some other draft wasmade, perhaps months later, and this draft was almost certainly not used because then, in any case, all the Roman figureswould have been initials. In any case, the former Roman figure III had nothing to do with the later organization, because the department for which Roman III later went out was Central 22.

COLONELSMIRNOV: Mr. President, in connection with the witness' replies on the fact that he does not know whether the staff members of SD made upthe lists of persons who were to be annihilated or mobilized forcibly or else arrested and placed in the concentration camps, in connection with that, I would like your permission to submit another short document relating this ti to Poland, and which consists of the instructions of the SD Chief in Poland to his trusted collaborators. I ask your permission t submit this document.

THE WITNESS: May I say one more word. There is nothing in my document about annihilation or concentration camps.

COLONEL SMIRNOV: You will now have the document before you. May I quote the document? It is USSR 522. I quote:

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"Security Service of the Reichsfuehrer SS, Block Station Macheganeau, 24 August 1943." Translating ver batim. "To Trusted persons. Subtitle: The preparation of the lists of Poles." The text follows: "I have to point out to you the necessity of paying special attention to the Poles. For that reason, I am giving below the speech of the Reichsfuehrer of the SS, Himmler, given on 15 March 1940 at the staff meeting of the concentration camp commanders in Poland, and according to the directives given in that speech, I ask you to submit to me thelist of names of all the concerned Poles." Extract from speech, I quote: "For that reason, it is necessary that all our collaborators, male and female, consider as their most important and serious problem to be to renderharmless all the leaders and potential leaders of the Polish people. You, as commanders of the concentration camps, are best informed on how to fulfill the problem. All experts and specially qualified workers of Polish origin we mustutilize in our war industries; also, later all such Poles will be done away with altogether. In fulfilling this very responsible task, you must, within the prescribed limits of time, exterminate the Poles. I give this directive to all the camp commanders. The hour is coming when every German will have to prove himself. For that reason, it is necessary that the great German people understand that its most important task right now is to exterminate all the Poles. I expectfrom all my trusted colleagues and plenipotentiaries immediate reports on all the Polish anti-German activity. For such tasks we must also utilize all children and aged persons, who can play a considerable role in helping us with this, for it is public knowledge that such people know Poles. Heil Hitler." The signature is illegible but the date is 15 March 1940.

BY COLONEL SMIRNOV:

Q I would like to ask you now, after seeing this document, will you still deny that the workers of the SD in the occupied territories trained and oriented all persons they could use to make up lists of such persons that were to be annihilated?

A Yes, I deny that, especially that I can not give an explanation of the nature of this document.

Q This document was captured by the Polish Army in Macheganeau

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in the building of the SD.

A I take, for example, the word "camp commander" as being absolutely impossible. I don't see what it could refer to, and it seems to me impossible to ascertain what "Polish defeatist" might mean. It seems to me absolutely -- it seems to me that the Poles, of course, hoped that Germany would lose the war --

COLONEL SMIRNOV: I am not asking you to make propagandistic speeches on the subject of Poland. I am asking you something quite different. I am asking you this question: Are you denying the fact that the SD trained and oriented persons collaborating with it to make lists of persons to be annihiliated?

A Yes.

COLONEL SMIRNOV: I have no more questions.

THE PRESIDENT: What evidence is there that this document was found in the SD headquarters?

Your answer didn't come through.

COLONEL SMIRNOV: This was not found at the central headquarters. Mr. President. It was not translated to you correctly if that is what was said. The document was found by the Polish Army --

THE PRESIDENT: What was translated to me was that it was captured by the Polish Army at SD Headquarters. Is that right?

COLONEL SMIRNOV: That is right, but not at the central headquarters of the SD for Poland but at the Headquarters in the Block Station of Macheganeau.

THE PRESIDENT: I didn't say anything about the central headquarters. All I want to know is what evidence there is that it was found at the headquarters of the SD.

COLONEL SMIRNOV: Yes, Mr. President.

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COLONEL SMIRNOV: Yes, Mr. President. May I now read the document of the Polish delegation on the subject which says, "It is hereby certified that the submitted document in the German language dated 24 August 1943 consists of the instructions of the Security Police in the City of Mogilno of the Reichsfuehrer SS, containing the extract from Himmler's speech and that it is the exact photostatic copy of the original submitted by the Chief Commission for the Extermination of Nazi crimes in Poland."

The original was found in an envelope. At the left top there was stated Sicherheitsdienst, and county of Mogilno. The rest contains a number and a statement in German, but the date is 24 August 1943.

THE PRESIDENT: I am sorry, I didn't hear the beginning of what you said. What are you reading from now?

COLONELSMIRNOV: I am reading Mr. President, from the certificate which the Polish delegation submitted on the subject of this document. This was a document which was submitted to us by the Polish delegation.

THE PRESIDENT: How did it certify this particular document? You see, we have a document produced before us which appears to have nothing on it which connects it with that certificate. I mean, how do you connect it with the certificate?

COLONEL SMIRNOV: Mr. President, I was just handed a note here from our documentary section which says that since the Tribunal has the original, nevertheless, the original does not have the certificate of the Polish delegation attached to it, whereas, I have the certificate attached to my document and this is why I wanted to read it to you. I am very sorry about the mistake.

THE PRESIDENT: And the certificate you have identifies the translation you have in Russian? It identifies your copy as being a true copy?

COLONEL SMIRNOV: Mr. President, yesterday I myself verified the translation which I have with the original, and I have found it to be accurate and correct, and the certificate also states that the Russian translation is correct.

THE PRESIDENT: Colonel Smirnov, you must offer in evidence that

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certificate in order to make it clear that this is the document which was found at this SD headquarters at Mogilno. That should be attached to this exhibit. Has this got a number, this exhibit? Is it 552?

COLONEL SMIRNOV: Yes, the number is USSR-522, Mr. President.

THE PRESIDENT: We will have to have the certificate attached to it then we shall be able to look at it.

COLONEL SMIRNOV: Yes, Mr. President. I have no more questions to ask this witness, Mr. President.

THE PRESIDENT: The Tribunal will adjourn.

(A short recess was taken.)

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COLONEL SMIRNOV: Mr. President in connection with one of the points to which my eminent American colleague has drawn my attention, I request your permission to put here another question to the witness concerning the first document which I submitted.

THE PRESIDENT: Which was the first ?

COLONEL SMIRNOV: This is USSR 509, the chart.

TJE PRESIDENT: Yes.

COLONEL SMIRNOV: Thank you.

CROSS EXAMINATION (continued)

BY COLONEL SMIRNOV:

Q. Witness, will you kindly tell us -- Do you deny that Gengenbach, who is to be found in this chart as belonging tothe Einstzgruppen -- You will be shown the chart in a minute -- was a member of the SD?

A. He was a member of the SD.

Q. He was a member of the SD ?

A. Yes, he was. He was a Gruppenleiter of III-A. He was my immediate superior.

Q. Tell us then-- Wasn't it you who represented him later on ?

A. I was the successor of Gengenbach but not his deputy. When I came to Berlin he was already dead. As I set down, Gengenbach was not in Berlin yet but as far as I can recall today from later knowledge, I met him only during the war.

Q. But, at any rate, you did afterwards assume the activities which were assumed before by Gengenbach ?

A. The service which Gengenbach did later in Berlin, I took over from him. He was a Gruppenleiter of III-A.

COLONEL SMIRNOV: Thank you very much. The American prosecution, Mr. President, had a copy of the document which has already been submitted under No. L-185, USA 484, and it is stated here in the places underlined that the head of the division III-A was Gengenbach, that is the same man who is to be found in the chart. I have no further questions to put to the witness, Mr. President.

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THE PRESIDENT: Has the speech of Himmler, dated 15 March 1940, already been put in evidence.

COLONEL SMIRNOV: As far as I know, Mr. President, no. At any rate, I do not know this speech.

THE PRESIDENT: Thank you. Now Dr. Gawlik.

REDIRECT EXAMINATION

BY DR. GAWLIK:

Q. Witness, do you still have document USSR 509 ?

A. I have no documents at all.

Q. Witness, please look at page 1. What was the task of these Einsatz-gruppen which were to be employed in Czechoslovakia ?

A. I do not know; I had nothing to do with the preparation of this task.

Q. I said please look at page one.

A. "To secure political life and to secure national economy", it says on page one.

Q. Was this a completely different task which later in 1941 was given to Einsatzgruppen A,B,C,and D in the East ?

A. I do not know the tasks in the East very well either because I had nothing to do with them but as far as I am informed, the Einstzgruppen in the East certainly had nothing to do with safeguarding the national economy. The Einstzgruppen in the East had to secure the rear army area.

Q. Please look at the chart, the organization of these Einsatzgruppen

A. The handwritten one or the printed one ?

Q. The second one. With the aid of this chart, can you answer the question whether these Einsatzgruppen belonged to the organization of the SD ?

A. You mean the chart that says "Staff SS Grupenfuehrer Heydrich", at the top ?

Q. Yes, that is the chart I mean.

A. No. that was not an organization of the security service but was something completely new.

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Q. Regarding the tasks these Einsatzgruppen had, these Einsatzstaebe belonged to the tasks of the security service.

A. I do not know the tasks which were assigned to these Einsatzstaebe. In this case, the assignment on page one said the national economy is not a task of the security service; it is not an information service and safeguarding of political life has nothing to do with the information service

Q. A part of the organization of the SD was used by these Einsatztaebe -- Can you answer the question with the aid of this chart ?

A. As far as the chart shows, parts of the organization were not used but only individual members of the security service, just as the State Police and individuals, just as labor in the Einsatzgruppen in the East may have been the case. This can be compared with being drafted into the Wehrmacht.

Q. Were the individual members of the security service, by being assigned to the Einsatzstaebe, were they removed from the activity of the security service ?

A. Yes, of course. Then they had completely different tasks. I can only make this comparason : If a judge is drafted into the army, then he no longer carries on his activity as a judge.

Q. Among the members of the security service, particularly the members of the subordinate agencies, the directing of branches, by the use of this Einsatzstaebe, was it generally known to them ?

A. In no way.

Q. Now, I come to the second document that deals with the letter f the Aussenstelle IV. What was a "Blockstelle "?

A. In the structure of the security service, the term "Blockstelle" did not exist but, nevertheless, it is possible that branches organized sub-branches and used this term; in general, under a branch was called an "Observer" (Beobachter).

Q. What was the staff of a branch Aussenstelle in general ?

A. According to the period and according to the significance of the branch, it differed considerably.

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On the average, it was about 1943 or 1944 -- there were one or two regular officials in a branch and a large number of honorary workers and the head of the branch was often a honorary official or sometimes a regular one.

Q. Was the Blockstelle above an Aussenstelle or was it subordinate to it

A. Above the Aussenstelle was the Abschnitt and certainly not a Blockstelle and as I said before, the individual Aussenstelle in part selected terms which were not established by an organization with observers (Beobacht

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Q Did Amt III issue any orders established in this document?

A No, under no circumstances.

Q Then is this the case of the head of the Aussenstelle in Mogilnow acting on his own initiative? I mean the head of the Blockstelle?

A In case Himmler did make this speech, that would be true. I cannot imagine Himmler saying that he expected this from these men.

Q I am not speaking of Himmler. I am speaking of the head of the Aussenstelle.

A But the instructions are the speech of Himmler. Do you mean the instructions in the first sentence to give especial attention to Poland? The head of the Blockstelle in Mogilnow will of course care for the Poles in the same way as he cared for the Germans. But of course he was interest in the general mood of the Poles, and he reported to the main office, Roman Numeral III-B.

Q Then I show you document PS-3876.

THE PRESIDENT: Was this shown in cross-examination?

DR. GAWLIK: I have a few more questions in connection with the question which the Chairman asked yesterday at the end of the session.

THE PRESIDENT: You are putting in some document which has not been referred to before.

DR. GAWLIK: Mr. Chairman, the document was submitted yesterday by the American prosecution.

THE PRESIDENT: I beg your pardon.

WITNESS: I have here the English text of the document.

Q Please look at page 45 now. Among the Einsatzgruppen A, B, C and D, were there Commanders of the Security Police and the SD?

A No, that is something different. The Einsatzgruppen were mobile units, which advanced together with the Wehrmacht in the rear Army area. The Officers and Commander were Officers in the Civilian Administration. An area was taken in a civil administration, and an Officer was set up.

Q How was the Einsatzgruppen A, B, C, and D organized?

A They were subordinate to the Einsatzkommandos.

Q What names did these Einsatzkommandos have?

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A These Einsatzkommandos have no names at all, but as I said yesterday, they were numbered from 1 to 10, as far as I can recall, or 11 to 12.

Q Please look at the distribution. Where it says that the Chiefs of the Einsatzgruppen A, B, C, and D, are to receive copiesfor the Commanders of the Security Police and the SD.

A No, that is wrongly translated. It should be the Kommandeure of the Security Police and the SD. The Kommandeure of the Security Police and the SD were under it. To make it more clearly, the Einsatzkommandos was not lead by a Kommandeure of the Security Police and the SD, but by a Commander of Einsatzkommandos of 1, 2, 3, etcetera. In the section under civil administration, as in occupied France for instance, there were agencies of the Kommandeure, the Security Police and the SD. That was different.

Q Who were the officers superior to the Kommandeure?

A The commanders of the Security Police and the SD.

Q Who were their superiors?

A The Chief of the Security Police and the SD in Berlin.

Q Who was the superior of Einsatzgruppen A, B, C, and D?

A That cannot be answered in one word. The Chief of the Einsatzgruppen had two superiors. In the first place, they were assigned to the Army group in question, and had to take instructions from the Chief of the Army group. On the other hand, they received instructions from the Chief of the Security Police and the SD. That is the very reason why I said yesterday that they were entirely unique and different.

Q Now I ask you again. If the Kommandeur and the Security Police and the SD did not belong to the Einsatzgruppen A, B, C, and D --

THE PRESIDENT: Hasn't all this been thoroughly gone into before? I mean, we have the document. We have asked the witness a number of questions and he has given his answers. You are now asking him the same questions over again.

DR. GAWLIK: Mr. Chairman, I only have one more question in regard to the copies.

THE PRESIDENT: Ask your one question then.

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Q Why did the chiefs of the Einsatzgruppen A, B, C, and D receive copies for the commanders of the Security Police and the SD, if they are completely separate organizations?

A Probably their organizations were united in individual cases for the same purpose, or, as I assume, this was not a clear way of expressing it. I had a German copy yesterday. Various words were used for the Kommandeur. Sometimes it was Commander and sometimes another word, Befehlshaber. Completely different words. I had a German copy yesterday.

THE PRESIDENT: The witness can retire. Dr. Gawlik, your next witness.

DR. GAWLIK: With the permission of the court, I call as the next witness, Dr. Roessner.

DR. HANS ROESSNER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your name, please?

A Hans Roessner.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. GAWLIK:

Q When were you born?

A 1910, in Dresden.

Q Please describe briefly your professional career?

A After the customary schooling, I graduated in 1930, then studied the German language, and literature, then English and German theology. From '36 I was assistant at the University of Bonn. In 1939 to '40 military service. In 1940 deferred for the University of Bonn and emergency service in the Reichsicherheitshauptamt, AMT III.

Q Since when have you been a party member?

A Since 1937.

Q What office did you have?

A I was Referent, later second, then 3-C, and AMT III.

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Q. Do you know of the tasks, methods and aims of Group 3-C?

A. Yes, I know them.

Q. Please wait a little before you answer. In addition, do you also know of the tasts, methods and aims of Amt. 3 ?

A. Yes, I also know these, because they were fundamentally the same as those of Group 3-C.

Q. What were the tasks and aims of Amt. 3 from the time since 1939?

A. Amt 3 was an internal German information service. It had ideological aims and tasks itself and worked independant from the domestic German sphere of life, that is to say it to k up important questions of domestic German life in various fields, such as economics, culture, administration of law and others as far as information service was concerned and in particular attempted to sum up criticism on the part of the population regarding mistakes, inside developments, etc., and to report on them.

Q. Please give a few examples by way of explanation?

A. For example, every week and sometimes daily, Amt. 3 reported on the opinion of the population on German propaganda to the agencies concerned. In 1943 for example, Amt. 3 through its reports prevented the closing of German Universities in spite of German's warfare.

Q. The prosecution has submitted, on page 11 of the English trial brief, that Amt 3. did the police tasks in all phases of German life. Did Amt. 3 carry out police work?

A. In all, Amt. 3 never had any police tasks.

Q. Did the SD Amt. 3 have the practical task and the fundamental aim of giving information through its information center on actual and possible opponents of the Nazi movement. This refers to page 17 of the trial brief.

A. No. Amt 3 was not the information service on opponents, but on the German domestic life.

Q, What was the purpose of the information service reports of Amt. 3 ? In particular, was the main pursuit to support the leaders of the party and state as part of a conspiracy to keep them in power?

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A. No. Amt. 3 never had such a task and did not set up such a task for itself. The task of the information service of Amt. 3 was to create an extensive picture of the domestic questions of German internal life and to present them uncamouflaged.

Q. Did the members of Amt. 3 know that the leaders of the party and the state were participating in a secret plan for the purpose of committing crimes against peace, war crimes and crimes against humanity?

A. To my knowledge, the members of Amt. 3 did not know anything about this. All the material collected by all members of Amt 3 is evidenced to the contrary.

Q. Can you answer this question for the members and honorary members of the subordinate agencies?

A. Yes.

Q. Did the close collaborators of the chief of Amt. 3 know of such a conspirary?

A. No. Not even the closest collaborators knew anything about this.

Q. On what is your knowledge based for your answers to the last few questions?

A. I often participated in internal Gruppenleiter conferences with the chief of Amt. 3.

Q. Were the tasks and aims of the domestic information service known to all workers even in the subordinate agencies?

A. Yes, the tasks and aims were known to the workers and honorary workers of the subordinate agencies. They were continually announced in the individual meetins.

Q. On what is your knowledge based by reason of which you have answered my last question?

A. From numerous individual conferences and meetings where I myself announced the aims and tasks of Amt. 3.

Q. In the reports made on a situation, were the names of the persons mentioned?

A. No, not usually, since the SD was not interested in the names of

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individual persons, but in typical examples of questions regarding the sphere of life.

Q. In giving personnel data, was the aim pursued, to bring persons into influential state position, who would not oppose the execution of a plan for war crimes, crimes against peace and crimes against humanity?

A. No, Amt. 3 did not present such data and reports of the SD were kept separate from the reports on this situation. The SD, Amt. 3 gave personnel data, but did not have permission to pass judgement on people. That was the sole task of the Hoheitstraeger of the party.

Q. What was the purpose of giving out information on personnel data by the SD ?

A. This was to substitute the political judgement and purely specialized judgement of the individual party officers and departments and present if possible a total picture of the personality, character, ability, political attitude and personal life independant of any departmental point of view or power or political interest.

Q. The prosecution describes the tasks of the SD as follows: The task consisted of taking necessary steps to destroy or make harmless the opposition. Does this correspond with the actual facts and ideological aims of Amt. 3 from the period since 1939?

A. No, by no means. I have already emphasized the fact that Amt. 3 was not an intelligence service for gathering news about opponents.

Q. When did Amt. 3 give up this task?

A. Amt. 3 never had this task.

Q. The prosecution further submitted that the SD had an extensive spy net that would spy on the German people in their daily work, on the streets and even in the sanctified halls of church. This is on page 66 of the English trial brief and states that the SD conducted such an extensive spy net work as described.

A. During the whole period of its existence, Amt. 3 never in the internal general sphere of life worked with spys or a spy net work. The spy net

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work would have contradicted all the aims of this internal German information service.

Q. Did the SD for its tasks use only regular officials?

A. No, they were by far the smaller percentage. The work of the internal SD was dependant upon the big staff of honorary workers from all parts of the country and all professions.

Q. Can you give any figures?

A. I cannot give accurate figures, but in the last few years we estimated the honorary workers at about 10,000. They worked on a complete voluntary basis and a large part worked on their own initiative for the internal SD.

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Q From what point of view were the confidential agents for the information service for internal German spheres of life chosen?

A Such a confidential agent had to offer proof that without selfish interests he would give clear and objective information on questions relating to his field, on questions relating to the population amongst whom he lived and other concerns and critical statements of the population with which he came in contact. In addition, he had to be a person of decent character.

Q Did these agents have to be members of the party?

A No, by no means. It was even worse not to have a large or at least a percentage of non-party members amongst these agents of the SD so as to get a complete and independent picture of the total situation within Germany from some of these agents.

Q Did the agents have to be members of the SS?

A No, the percentage of members of the SS amongst these agents was, according to my estimate, still less than of party members.

Q What were the tasks of these agents?

A The tasks varied. In Amt III we had agents who were to give general information on the mind, conduct and opinions of the population and on urgent questions during the course of the war years. Then we had another type of agent who were to give information on the professional workers and on questions relating to the specialist fields, on which they were able to comment and which they understood.

Q What was the task of the SD Arbeitskreise?

A In the so-called Arbeitskreise the agents of the subordinate agencies were called together for conferences and these Arbeitskreise were absolutely free and frank; the opinions on technical questions and measures of the party and measures of the state agencies were expressed. These were discussed and this criticism was then sent to Amt III in Berlin. The main prerequisite was absolute objectivety and absolute frankness and criticism.

Q Did the agents or the Arbeitskreise work under any special cover? This question refers to the trial brief, page 16.

A I do not know what you mean by the expression, cloak of secrecy. I can answer these agents never acted under any special personal secrecy and

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these Arbeitskreise, which I just mentioned, had no special obligation for secrecy. They were publicly known as such.

Q Were there, aside from the obligated agents other agents of the SD?

A Yes. In the last few years of our work there were representatives of the various occupations and part of the population, who on their own initiative came with some criticism, some positive suggestion to the SD, in order, on the basis of a personal confidence in the SD, to be able to turn over its worries to it.

Q Now, I submit to you Prosecution document PS-1650, D-569 and PS 1514 It deals with the decree concerning political prisoners and the turning over of prisoners of war to the Gestapo. It is the first point of the Indictment VI (c) against the SD.

Was the SD competent to execute this decree?

A No, the SD was not competent because Amt III, from its position, had no executive power.

Q Can you give any further explanation of the individual documents?

A The documents all refer to the Secret State Police, the Gestapo. One document mentions the chief of Amt III. The document of the Wehrmacht also refers to the Gestapo.

Q Was the SD, the domestic information service, used to carry out these decrees?

A This would have been in opposition to its tasks.

Q Did the SD, the domestic information service, participate in the deportation of citizens of the occupied territories for forced labor?

A No, this was an executive task for which the SD, Amt III, was not competent.

Q Did the SD have the power to inflict punishment on forced laborers? This question refers to page 1941 of the English transcript.

A No, this also would have been an executive task.

Q Did the SD, through its reports, contribute to deportations?

A No, quite on the contrary. Amt III repeatedly contradicted the negative effects of such measures.

Q Did the SD have any control over the forced laborers brought into the

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Reich?

A No, this control would have also been an executive task which Amt III did not have.

Q Now, I show you document PS 205. This is a memorandum on the general principles for the treatment of foreigners employed in the Reich. Did the SD have any part in the drafting of this memorandum?

A Yes, to my knowledge the SD, Amt III, had a part in the drawing up of this memorandum. It made its material available in the formulation of a positive treatment of foreign workers. This material, which was used in this memorandum, corresponded to the basic principles of the domestic SD in the treatment of national questions in the European area.

Q What is your knowledge based on as to the drawing up of this memorandum?

A The material comes from Group 3 C, in part, and I myself was chief of that section.

Q Did the SD, Amt III have the right to make confiscations? This question refers to the part of the Indictment, VI (c) and to the trial brief.

A No, the SD had no right to confiscate. This also would have been an executive task.

Q Did the SD participate in the confiscation and distribution of public and private property, the SD domestic information service?

A No.

Q On page 51 of the trial brief, it says, referring to document 071-PS:

"In connection with the planned confiscation of scientific, religious and art archives, an agreement was reached between Rosenberg and Heydrich on the basis of which the SD and Rosenberg were to cooperate closely in the confiscation of public and private collections."

Was there any such close cooperation between the SD and the staff of the defendant Rosenberg, his agencies or any of the deputies?

A No. This document is again the customary mistake as between the Security Police and the SD. Such cooperation if it existed would have had to be known to me since Group 3C would have been competent for it.

DR. GAWLIK: Mr. Chairman, I now come to my last point. Shall I

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begin it?

THE PRESIDENT: Have you any questions to ask upon it? It looks as if you had, so perhaps we had better adjourn.

DR. GAWLIK: There are 34 questions.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 2 August 1946.)

HANS ROESSNER - Resumed

DIRECT EXAMINATION - Continued

BY DR. GAWLIK:

Q. We come now to my last point, the Persecution of the Church, the Trial Brief paragraph 7(b). I ask the Tribunal to turn its attention to the fact that the SD was said to be active only until the 12th of May, 1940, on page 60 of the English Trial Brief. My taking of testimony limits itself to the activity up to 12 May 1941.

THE PRESIDENT: Wait a minute. Which does that mean, May 1940 or May 1941?

DR. GAWLIK: The 12th of May 1941, page 64 of the last but one section of the Trial Brief, where it is said that the political handling of the Church was divided between the Gestapo and the SD and from that point on was taken over entirely by the Gestapo.

Q. Did Division 3 c 2 handle church questions?

A. No.

Q. Did any other office in Division 3 handle church questions?

A. No. Since the foundation of Amt III, no church matters were handled in this office.

Q. What was handled in Amt III?

A. In Amt III, Group 3 c, only general religious matters were handled in various realms of life.

Q. In what manner would matters regarding religious life be handled?

A. The principles of the handling were the same as for any other sphere of life. It was the task of Amt III to watch all proposals and movements of the religious in the German population in the Reich and to report on the opinions of these groups and send reports in.

Q. The Prosecution has stated that the persecution of the churches was

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one of the fundamental principles of the SD and Sicherheitspolizei. Did the SD do this with the Gestapo?

A. As responsible head of a department I can say that no such common plan existed.

Q. Did the SD on its own initiative have any such program?

A. That would have been against all the principles of our task.

Q. Did the SD, Amt III, practically handle any activities of the churches?

A. No.

Q. Did the SD, Amt III, get from the Gestapo any directives to persecute the church?

A. Between the Gestapo and Amt III there was a complete material and organizational division of labor.

Q. Did the SD get from any other offices of the Administration, directives to persecute the Church?

A. No. The SD worked all on its own in this sphere, independently. No offices of the Party or of the State were allowed to give any directives to the SD in this matter.

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BY DR. GAWLIK:

Q Were the regular and honorary members of the SD controlling the matter of their attitude toward the church, and through any pressure made to leave the church?

A I know nothing about this matter and this would have been contrary to our fundamental notions right to the end. There was a large number of regular and honorary officials who were members of the Christian Churches and who remained so. The head of Amt III left the Protestant Church in 1924.

Q Did Amt III ever leave the SD and undertake any secret investigations? This question is relevant to page 48 of the Trial Brief.

A Neither in this sphere or in any other sphere of activity, were there any counseled aims, hidden aims or secret investigations. As head of the department, I would have had to known of them if there had been any.

Q I submit to you the prosecution document PS 1815. Will you look at Page 59 of this, please?

A May I point out that the document does not go up to Page 49, only up to 29.

Q It must be 29 or 39.

A I have both numbers here.

Q Will you look at Page 1?

A I have Page 1 here.

Q There is says that the former workers of the division should be transferred to the Gestapo on orders. Was this order given on the ground that tasks of the organization and aims and activities of it in the sphere of the church affairs were the same in AMT III of SD and AMT IV of the Gestapo?

A No. This order was given for entirely different reasons. AMT III and AMT IV were entirely different offices. Transfer of the former SD employees to the Gestapo would have taken too long, and for that reason this planned transfer was undertaken in the form of an order. It was to save time and to save work.

Q Will you now see page 29 of the prosecution document? That is Number 18. Will you look at the first two sentences of that? Can it not

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be seen from that, that the SD handled church matters in collaboration with the Sipo and Gestapo?

A The document before me shows that SD III did not at all participate in this discussion. At the time of this conversation in 1942, AMT III, according to the order of separation given, was not allowed in any way to handle such matters.

Q Will you now look at Page 1 and Page 2? On the basis of these two pages, the prosecution has suggested, also on page 58 of the Trial Brief, that the handling of such matters had to be divided between the Gestapo and the SD, and that the SD files on such opposition had to be transferred to the Gestapo, but the SD should retain material concerning church influence on public opinion. Will you make a statement on this?

A I already said, once, that SD, AMT III, ever since its foundation, had never handled church matters. The material that had to be given on the basis of this order to AMT IV was general informational material which it was not proper to maintain for the police tasks of AMT IV. In general, the order was formulated by AMT IV and it took into consideration, as a result of the different points of view, AMT IV.

Q Will you look at Page 19, please, where it says the struggle with the church and task of the spheres of life should go together, hand in hand; is it not evident that collaboration of SD and Gestapo was a common aim when the struggle against the church took place?

A No, because AMT IV, to my knowledge, never had the fundamental task of the struggle against the church. What is formulated here, in this matter, is a personal desire of an inspector, who, whether in the matters of the Gestapo or SD had any factual right to give orders.

Q Turn now to page 24. Especially note, now, Paragraph 1 and 4 where it says, "I am looking for orders given out in the sphere of struggling against the church in order to intensify it." Also note the half sentence immediately afterwards, that it has already been achieved in this manner. Does it not seem from that that the SD had informational services of its own in this sphere?

A No. What I see from that is exactly to the contrary. The

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order in front of me is dated August, 1941, that is to say, after the order separating the two services. The SD on the basis of this order of separation, gave over to AMT IV informational service. In general, the order was given to a large number of police organizations and it cannot be simply a matter of one single case.

Q Will you look at page 27. What can you say as to this order of the inspector in Dusseldorf?

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A. I must point out first that this is only a personal desire of the inspector, and he had no power for this. He had no power to give orders in these matters. Practically, such a desire could never have been achieved because from the various tasks it was completely impossible to carry it out so that Amt III and Amt IV should have common confidentail agents for certain matters. Each confidential agent of the SD would have refused immediately to undertake police tasks on the side.

Q. On the basis of your activity, what can you say on the scope of the files which, as a result of the separation, were handed over to the Gestapo?

A. That will vary according to the way in which it was handled in the various offices. A good informational service would have had more material which would have been given to the Gestapo.

Q. On the basis of your knowledge, were the documents handed over by the SD of any use for the police tasks of the Gestapo against individuals?

A. No, they certainly were not, as the informational attitude toward the problems of church and confessions on the part of the SD was entirely different. It was never organized on the basis of individual cases.

Q. According to your knowledge, were the files that were handed over then actually handled by the Gestapo?

A. I can not make any statement in detail on this, but a large part of the partial, as far as I could see, was never handled any further, as it had no opportunity of being used for police tasks.

Q. Did Amt III of the SD have the fundamental task and aim of persecuting the church or preparing the general persecution of the church, or did it work at all for the persecution of the church? That is to say, in the period between 1939 until the order of separation of 12 May 1941?

A. No, Amt III never at any time had such a practical task set forth, nor did it ever work toward any such aim.

THE PRESIDENT: Dr. Gawlik, you remember that you told us before the adjournment that you had come to your last point.

DR. GAWLIK: Yes. I have only about six questions left to ask.

BY DR. GAWLIK:

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Q. Did Amt III regularly inform important or leading offices of the Party and the state on public opinion in religious matters, with a view to the persecutions?

A. No, the information about religious matters and spheres of life, in the last period, was scanty because Amt III had only one man to work on these matters.

Q. What was the aim of the SD in informing other offices about these matters?

A. Amt III's purpose in open reports in these matters was always concerned with the fact that according to its opinion there was not a matter of a struggle with the church but of handling the religious attitude of the masses in these matters.

Q. Was the SD's information activity leading to any persecution of the churches?

A. No. On the basis of Amt III's reporting on several occasions, very critical remarks were made about individual actions in the sphere of religious matters.

DR. GAWLIK: I have no further questions to ask.

CROSS EXAMINATION

BY M. MONNERAY:

Q. Witness, you said that you were mobilized in the SD in 1940

A. I did not say that I was mobilized but that I was brought into the Reichsicherheitshauptamt on special duty.

Q. You forgot to state that you were previously a member of the SD.

A. I was asked, as far as I know, since when I had been in the SD.

Q. Were you a member of the SD before 1940?

A. I have not got the question exactly.

Yes. From 1934.

Q. You forget that, did you not?

A. As far as I know, before the Commission I said it all in detail.

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Q. Is it a fact, witness that fore the seizure of power by the Nazi Party, the SD was a secret and illegal organization?

A. May I ask again, Did you say before the seizure of power?

Q. Yes, before the seizure of power.

A. I can not say anything about that, as I was not a member of the SD at the time.

Q. After the assumption of power, was the SD utilized by the Party, on the one hand, and on the other hand by the state and by the Gestapo in order to fight opposition groups?

A. As far as I know, the SD always had an entirely different informational task from that of the Gestapo.

Q. During the war, in the occupied territories, did the SD manifest itself at the same time as the SIPO -- Security Police -- within the Einsatzkommandos -- Operational Troops?

A. ABout the organization and activity of the Einsatzkommandos, I can unfortunately give no testimony, as I was never an employee of the SD in any occupied territory.

Q. Did you know Streckenbach?

A. Yes.

Q. What were his functions?

A. As far as I know, he was for some years head of Amt I.

Q. And this Office Number I was charged with question or organizations as much for the SIP as for the SD?

A. Yes.

Q. Therefore, this office could be assumed to know sufficiently the attributes of the SIPO and the SD?

A. May I ask again who in this function should have known exactly?

Q. Witness, the question was quite clear. I was referring to Streckenbach.

A. No, one can not assume that, as beneath him the task and organizational problems were entirely separated, even in his office. I can not say how far Streckenbach had a view over the activities of the SD, and I can not give an

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opinion on it.

Q. I should like to hand you Document F-984. It is an appeal by Streckenbach. It was published in the bulletin of the SD.

THE PRESIDENT: Has this already been offered in evidence or not?

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M. MONNERAY: It has not yet been offered in evidence, Mr. President. This document will be RF 1540. It is an appeal by Streckenbach to all the members of the SIPO and the SD, dated the 7th of September 1942. Extract from this appeal : "Before the taking over of power, the SD had, in its part, contributed to the National Socialist revolution. After the assumption of power the SIPO and SD assumed the responsibility of internal security of our Reich and opened up the way for the realization of National Socialism in the face of all opposition. Since the beginning of the war our Einsatzkommandos are everywhere where you find the German army and are carrying on, each in their own sector, the fight against the enemy of the Reich and of the people."

Further, on it continues, asking for material and information about the activities of the SIPO and the SD. For instance, they are appealing for information and articles on the following subjects : the history of the SD, its inception, its purpose, the fight for its consecration as the sole information agency of the SS and later on of the Party. Development of the SD from its beginning (illegal camouflage) until its full development after the assumption of power, which are particularly important events on the activity of the furnishing of information before and after the conquest of power, illegal missions, etc. And further on, common action of the Gestapo and of the SD for the destruction of antagonistic groups.

BY M. MONNERAY:

Q. Witness, this declaration by Streckenback is contrary to the --

A. No, because of the actual task of SD there is no word in this appeal. Besides, the text read here does not lead one to know who actually drafted this appeal and formulated it. The name "Streckenbach" only means that he had signed it. Amt III can certainly not have participated in it, because otherwise the task of this Amt III would have had to have been described to some extent accurately in this appeal.

Q. Apart from Amt III, what were the various branches of the SD, the various services ?

A. For the domestic SD there was only Amt III.

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Q. Witness, I would be obliged to you if you would answer my question.

A. I was of the opinion that I had answered your question, Mr. Prosecutor.

Q. I asked you which were the epartments of the SD, and not which were the departments of inland SD.

A. Under the general concept pf SD, which had nothing to do with the concept of domestic SD there was also Amt VI and Amt VII.

Q. What were the functions of Amt VI?

A. That was the foreign informational service.

Q. When it speaks of fighting and combat in conjunction with the Gestapo one thinks of a type which would be carried out in foreign countries

A. That cannot be deduced in detail from the document which I have before me.

Q. Again I say you are not answering my question. Witness, can you imagine the Gestapo taking on a fight against an antagonistic group which would be situated inside the Reich ?

A. No. To my knowledge the Gestapo had a police task within the frontiers of the Reich.

Q. So when we talk in this appeal of a fight carried out against adverse groups, reference is really being made to a fight which is going on inside the country ?

A. Yes, although nothing is said there about the task of SD domestic.

Q. You told us several times, witness, that the job of the SD inland, and no doubt with greater reason outside the Reich, was the duty of the Gestapo and of the Police; is that not so ?

A. I have said absolutely nothing today about the foreign division of the SD, except in mentioning the existence of Amt VI.

Q. Please, witness, can you answer for the SD, the home SD ? According to you, the police was imbued with a police spirit, wasn't it ?

A. May I ask the Prosecutor what he means by this statement ?

Q. As opposed to the spirit of the SD, which was an objective outlook.

A. I cannot say what the point of view of the police was, because I was never a member of it.

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Q. But you told us the SD had an objective and impartial spirit. That is right, isn't it ?

A. I have not said a scientific spirit, but always an objective, critical spirit, and I would like to stress this formulation expressly.

Q. That was also the spirit of the police, was it ?

A. I cannot judge that, as I said I was never a member of the police.

THE PRESIDENT: Put the question again, would you, Mr. Monneray.

BY MR. MONNERAY:

Q. This impartial and objective spirit was the spirit of the police, wasn't it ?

A. I cannot state an opinion on this, as I was never a member of the police, but only of SD domestic Amt III.

Q. Let us be clear about this, witness. You gave us long explanations as to the differences between the SD and the police, didn't you ? If you give us anything further about this difference, we would at least know what the police is .

A. I have for certain spheres stressed the difference between the SD tasks and the police tasks, but I am not in a position to clarify the general point of view of the police, because I don't know it. I spoke only in general and concrete terms from examples that I know from the experience that I have of Amt III and of the department in which I worked.

Q. Is it correct to say, witness, that the young candidate who wished to enter the SD received exactly the same training that the young candidates did who wished to enter the SIPO or the Security Police or the Criminal Police ? I should say those who wanted to enter the Gestapo or KRIPO, the Criminal Police.

A. The education of candidates for the SD was not known to me in detail. I know only that the head of Amt III repeatedly, from year to year made statements against an education which would be organized throughout all the same. How far his objection was practically achieved, I cannot say from my own experience.

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Q Well, I shall bring to your attention a paper which will add to your knowledge of this subject, which seems wanting. It is a circular published in the official bulletin of the and the SD, dated the 18th of May, 1940, and which states that young candidates, young police students of the SD, in spite of its character, which is supposed to be objective and impartial, would have to be attached for a period of four months to the Criminal Police; namely, for three months with the Gestapo and three months with the SD. You were unaware of this, were you not?

A No.

Q Thank you. Now you have told us also that the SD had very little to do with the official personnel affairs and political views of the Nazi Party, is that right? Perhaps your memory is coming back to you. You know that the political chiefs of the Party had to furnish to the German government their opinions of the political outlook of officials; you know that didn't you?

A May I ask the Prosecutor to repeat his question? I didn't quite understand it.

Q When it is a question of promoting a civil servant of a certain grade, or of appointing a civil servant or functionary, the political chief, the Gauleiter or the Kreisleiter, for instance, would have to furnish to the government a sort of political expert opinion on the proper and good political outlook of the candidate, is that right?

A Yes, I shaid already this morning that this was the task of the Hoheitstraeger of the Party.

Q And the SD had to supply the political part of this report, did he not?

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A No.

Q Ver well.

M. HOMMERAN :

I shall read to the witness an extract of Document F-989, which becomes RF-1541, Page 2 of the extract. It is a circular of the Chancellory of the National Socialist Party concerning political reports supplies by political chiefs. First of all, this political report is defined as follows;

"This political report has no value except if it reflects the moral and political outlook of the candidate." And afterwards there is a short paragraph saying who will have to supply this ophion :

"The people who are competent to give this opinion are the political chiefs of the SS. Political information can be given by all party chiefs, People in authority and the elements therefore will be furnished by the various agents of the SD."

That is correct, is it not?

A I said today clearly that the SD Amt was able to give information but never political judgments and that the SD put special value on the fact that other information could be gathered from this information which possible could give an opinion of the general personality. In the document which is before me, in general, there is no manner of personal information but only of general situational information as I have mentioned.

Q So this document there is no mention of the political or ideological attitude?

A Again, I heard only half of the question.

Q In this document, no mention is made of political assessments as a judgment having value concerning the political or ideological outlook?

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A Not in this document, no. Here only the preparation of reports on situations is mentioned.

Q Ver well.

M. MONNERAY I would ask to show the witness the original letter on I continue.

Q There was close collaboration between the various elements of the Party, between the SD and the Party, wasn't there?

A Of close cooperation one can in no way speak. The relation between the SD and the Party, specially between Amt III and the Party Chancellory, was in the last years to a great extent most tense. I would be very glad to illustrate this with concrete examples.

Q I would like to read you another extract of the same circular, dated 21 August, 1943.

A That is the same extract as I have already had here.

Q "It is the duty of the SD to keep the leaders posted as to the political events which take place in their territory, and the attention of the political chief has got to be directed constantly to particularly urgent affairs by the SD to enable the necessary political intervention." Is that right?

A Here, unfortunately, theory and practice are not at all in accord. Amt III would, on the contrary, have been very gladly heard by the Hoheitstraeger of the Party if all the critical material could have been brought together in many cases, but this was, however, for years not the case, as the local representative of the SD was never received by the Hoheitstraeger.

Q Ver well. Well, we will see a few examples of what difference there is between practice and theory. Before the Commission you were shown Document R-142, USA-481, concerning the control by the SD of the plebescite in 1938, where the honorable

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collaborators of the SD, who were so disinterested, had tampered with the ballot papers. As this was a practical instance, uou told us you would tell us if this was an isolated instance, isn't that so?

A I would like again to repeat before the High Tribunal that this document does not refer to the SD but to one single office amongst many hundreds of offices of the SD. The documen does not in any case give --

THE PRESIDENT : Don't raise your voice, please.

A The document does not lead one in any way to believe that NMT III in Berlin had ever given any order for this preparation of reports.

Q Yes, certainly. Well, I will show you another document which reflects another isolated case without a doubt. This time reference is made to the City of Erfurt. Document D-897, already offered by the British Delegation when they were submitting evidence against the political chiefs, Exhibit GB-501. This is aconfidential circular, 4 April 1938, coming from the security Service Branch Officer Stuart and addressed to all heads of sections, requesting all agents abroad to send in reports urgently on all those persons of which they were sure that they were going to vote no. This document makes you smile, Witness. However, Witness, if you look a little further down you will see that the matter was a serious one, for the head of the SD, a conscientious man as you know, says as follows :

"The tremendous responsibility us once more stressed that the representatives abroad have in this matter concerning the eventual serious consequences to those persons named in regard to their relations to the Reich." Witness, do you call that objective reporting? Is that so?

A I am sorry, Mr. Prosecutor. You speak just now of the head of the SD, and the document is signed by an Oberschar

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fuehrer, which is approximately the same as a sargeant in the Army, I don't think you can say this is an official document; and again, this is a document which indicates only an extravagant initiative and can not in any way be said to indicate the general policy of the SD.

THE PRESIDENT : M. Monneray, I think a good many leaders have already been examined on this document.

M. MONNERAY : Yes, Mr. President. Inwill also draw the attention of the Tribunal to Document D-902, already offered in evidence as Exhibit No. 542, on the same subject.

THE PRESIDENT : Does the witness know anything about this evidence?--- because if it is already in evidence there is no use putting it to him unless he knows something about it.

M. MONNERAY : It has already been submitted in evidence and I understood, Mr. President, that you did not wish me to interrogate on that document.

THE PRESIDENT : Well, if there is any particular reason for asking this witness questions upon this document, you may ask them, but there is no use putting a dcument to him if he has never seen it before, if it is already in evidence. I don't know what the document is.

M. MONNERAY : I Wanted to ask this witness questions on both documents to show how little faith one can attach to those depositions which he made before the Commisson; whereas, as a matter of fact, it seems that it was a general measure of the SD which was general in Germany.

THE PRESIDENT : If you want to cross examine the witness as to the document, you can put questions from the document to him, but you can't -- at least the Tribunal doesn't want you to put the document to him.

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BY M. MONNERAY :

Q Witness, you told us, concerning wireless, that the SD furnished also very objective reports without any political intentions behind them, is that right?

A Yes. Every week we sent in reports about the reception of radio programs by the German polulation, as objectiv as possible.

M. MONNERAY : I offer to the Tribunal a document alread produced as US -158, which established that in this domain also the SD had a mission which could not be described as a more reporting mission.

BY M. MONNERAY :

Q Witness, what was the work of Department 3-D-3?

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Q What was the work of Department 3-B-3?

A I cannot say that from memoray as I no longer have the individual departments in my head; in any case, certainly not with radio as that was the task of Amt 3-C-4.

Q Is it right to say that they looked after questions concerning rade and health?

A I'll answer just now to the attack that I no longer remember in detail all the tasks of the Department.

Q Did you have anything to do or have you any connection through your colleagues about general situation reports in the matter of foreign work people in Germany, any foreign labor?

A No. I personally had nothing to do with these matters. The question was quite beyond thescope of my powers and tasks.

M. MONNERAY: I offer Document 1753-PS, which becomes RF 1542, which contains a report from one of the departments of the SD, and concerning the possibility givenby the RSHA to German doctors to cause abortion among eastern female workers in the east of Germany if they requested it. This report establishes that the statements of the SD in this matter are in no way objective statements but are definitelylinked by their official color to the official Nazi policy.

I submit another PS document, 1298, which becomes RF 1543, concerning slave labor to be furnished by workers in Germany. In this document the person who wrote the report, who was an agentof the SD, after having mentioned the numerous desertions of foreign work people, proposes practical reprisals, such as reprisals for families of work people by withdrawals of rations, and so forth.

Q Witness, do you call that objective reports? And did you think that these reports would be of value to the police?

A Yes, in this one report one of the many offices which existed under the Reichicherheitshauptamt in the country is reported to give opinions where, of course, the opinions of members of the party would also be given. In general I would like to contradict the opinion of the prosecutor because the AMT III was never concerned with this matter or had any agents for that task. I must again state that as far as the competence

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of these documents are concerned, I can only take a subjective attitude because they did not belong to my department. I still consider my sentimental declaration concerning the task of the SD still to be thoroughly correct.

Q But, Witness, this document was not ever addressed by the RSHA to the central services; it was addressed to the labor office, to the manpower office. It is therefore a report in view of those measures which are suggested, isn't that so?

A From the document which I have before me, it is not evident from what office it came.

Q I show you a photostatic copy of this report.

A Also, for this there is no word which would lead me to know from which office the document came.

Q Do you admit that the report is addressed to the Manpower Bureau?

A Yes; but I would at the same time like to point out that after the signatures, "Secretary" is mentioned; and SD, as far as I know, never had any secretaries. It should be a SD or a SS rank there instead.

Q I am sending you herewith a report from the SD from the Interior.

A Yes.

Q Very well, and in the occupied territories, SD was a preventive by organizations depending from AMT III and AMT VI, isn't that so?

A No. No, AMT III, I can say, had no organizations which were directly beneath. The only individuals were the agents who carried out the tasks in the occupied territories.

Q AMT VI of the RSHA looked after their foreign countries, didn't it?

A Yes.

Q And it had a preventive within the German police organizations operating abroad, didn't it?

A About this I can say nothing because I never worked in that division.

M. MONNERAY: I offer to the Tribunal in evidence F-1973 and 1974. Those are information sheets addressed to Section 6-ST-2. The documents will

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become RF-1544 and 1545. Those are information sheets and agents' reports addressed ---

THE PRESIDENT: Go on. Have they been translated? Have the copies been given to the German counsel?

M. MONNERAY: The German copies have not been distributed because I did not have documents in their entirety. The original is in German; and it is a report made out on a printed information form, sent out by the SD agents to the competent services of the Gestapo, concerning the Jewish question; and thereby it can be established that there has been -

THE PRESIDENT: Have these documentsbeen translated into the various languages?

M. MONNERAY: They have been merely translated into French, sir.

THE PRESIDENT: Well, you know the rule is that they must be translated into four languages. You must read it then, if that is so.

M. MONNERAY: With your permission, I shall read one of the documents, Section 6-N-1.

THE PRESIDENT: We have been a long time and we have now apparently got to the stage that we've got to read this document, all these documents, which are of very remote importance. We've got to read them through because they haven't been translated. It's taking up a long time; and it does not seem to be achieving any great result.

M. MONNERAY: In that case, Mr. President, I shall pass on to the last point, concerning the transplanting of population.

Q Do you know, Witness, if the SD participated with the Gestapo in sending people into concentration camps?

A From my personal knowledge, I can only say in general that AMT III had absolutely no executive powers. Also, therefore, it was not empowered to send any people into a concentration camp.

Q Do you know that the SDcollaborated with the Gestapo to check which were those Poles who were fit to be Germanized and which were those, on the other hand, who could only be sent to concentration camps?

A No, from this entire area, as to those matters, I have no factual knowledge.

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M. MONNERAY: I would ask permission to read an extract of Document R-112.

THE PRESIDENT: Is this new?

M. MONNERAY: It is a document which has already been offered in evidence, USA-309.

THE PRESIDENT: Then you must refer to it because the witness says he does not know anything about it.

M. MONNERAY: I would like merely to read the passage from this document which establishes, contrary to the declaration of the witness, the SD did in fact collaborate with the Gestapo for the Germanization of the Poles.

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THE PRESIDENT: If there is anything in the document which shows that the witness is not telling the truth you can put that part of the document to the witness.

M. MONNERAY: The document refers to Amt 3 B of the SD and does not indicate any direct element which affects the witness. Therefore, it appears only on the general question of the activity of the SD and does not affect the witness personally

THE PRESIDENT: Mr. Monneray, the witness has just said that Amt III did not have anything to do with deportation of populations. If this document shows that he did then you can put that fact to him.

M. MONNERAY: That is why, Mr. President, I was asking permission to read a passage of this document.

THE PRESIDENT: You can put the document to him.

M. MONNERAY: It is a letter of the 1st of July, signed by Strockenback. This letter emanates from Amt III B (1) and it is addressed to the Gestapo, the SD, in the newly occupied territories of the east. This document says, on page 2, first point:

"The Gesta po Services must ask the services of the DDL, the SD and the people therein for information sheets on persons belonging to Group 4.

"Third point: The office chiefs of the State Police and the permanent representatives of the SD also is the representatives of 3B and have to send in a report which reflects their personal opinion."

On page 3, fourth point:

"After an examination from the racial point of view the agents of the SD will verify the information concerning the people and will ask the RSHA for arrests and sending to concentration camps. In particularly difficult cases the files will first of all have to be sent for information reasons to Amt 3B."

On page 4, the last paragraph of this order, signed by Strockenbach:

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"In execution of the current control of Germanization, the SD services --"

THE PRESIDENT: One moment. As far as I understand the document it clearly applies to Amt III. Well, why don't you put it to him?

M. MONNERAY: I merely wanted to read out the sentences and ask him afterwards if Amt III had nothing to do with the Gestapo or whether it had any authority to intervene in the matter of carrying out of arrests and sending people to concentration camps and might I please, sir, finish reading the passage in question?

"....SD services will proceed as to the Germanization of Polish workers."

The report is signed Strockenbach.

BY M. MONNERAY:

Q Witness, this order really emanates from Amt III of the RSHA, does it not?

A There is some mistake that must have occurred, Mr. Prosecutor, because as far as I can see this document does not come from Amt III of the RSHA but from the Office for Germanization. After the date there is 3 B (1) but immediately after there is the Reich Commissar for the Establishment of Germanization and --

Q Well then, witness, is it correct to say that according to this order signed by Strockenbach, the services of the SD, in common with those of the Gestapo, were to verify their information on people and to request, if necessary, the arrest of people concerned and have them sent to concentration camps? Will you please answer yes or no?

A Unfortunately from my own experience I can give no information but in any case it is clear that the Reich Commissar for Germanization could give no orders to the SD. Therefore, it is quite vague from this document as to what the SD could practically do in this matter and the specialist in charge of these matters should be questioned here.

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Q You did not reply to my question. According to this document is it correct to state that the SD had to collaborate actively with the Gestapo in these matters, yes or no?

A I think the question cannot be answered yes or no. I think I have answered correctly when I say that the Reich Commissar for Germanization could give no order to the SD and I cannot judge what the SD actually did, as these are two entirely different and separate offices. As far as I know the group leader who is responsible was already heard before the Commissio

Q You are still not answering. Is it yes or no? Did the SD collaborate with the Gestapo in examining people and, if necessary, to have them arrested and sent to concentration camps?

A Unfortunately I must again repeat my answer to your second question. Since the Reich Commissar could give no direct orders to the SD I can give no answer yes or no, although the SD on the basis of this --

THE PRESIDENT: I think the document speaks for itself and not I think the Tribunal had better adjourn.

(A recess was taken.)

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BY MR. MONNERAY:

Q. One last question concerning the document R-112. Who was the Reich Commissioner for the consolidation of Germanism ?

A. I apparently did not get the question through. You mean the chief office, the supreme office ?

Q. And which was under the authority of the chief of the SS and Police, isn't that true ?

A. Himmler.

Q. Do you maintain that this letter of July 1 which came from Himmler's offices and was addressed, at the same time, both to the Gestapo Offices, the SD Offices, to the SIPO, Criminal Police offices, does not refer to the real state of affairs ?

A. From my own knowledge I can only point out once more that there are two completely different agencies. To that extent, I cannot judge.

M. MONNERA : I have no more questions to ask.

THE PRESIDENT: Dr. Gawlik just a minute.

LT. CMDR. HARRIS: May it please the Tribunal, we would like to offer merely as a supplement, a new document which has just come in. It is document number 4054-PS and it becomes USA-921. The only significance of this document is that it shows that the SD was running agencies in Los Angeles, California shortly before the outbreak of war between the United States and Germany.

THE PRESIDENT: You have got a copy of this Dr. Gawlik ? Have you got a copy of it ?

DR. GAWLIK: Yes.

THE PRESIDENT: Do you wish to re-examine ?

DR. GAWLIK: I have no questions.

THE PRESIDENT: The witness can retire. And I think that finishes your evidence, Dr. Gawlik, that's all of your evidence, isn't it ? You have no more witnesses, have you ?

DR. GAWLIK: I have no more witnesses, Mr. President.

THE PRESIDENT: In what order does the counsel for the organizations wish to proceed now ?

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DR. KUBUSCHOK: (Counsel for the Reich Government) : It is prescribed that the witnesses for the Reich Government will be examined now.

THE PRESIDENT: Very well.

DR. KUBUSCHOK: I call the witness Dr. Franz Schlegelberger to the stand.

THE PRESIDENT: Will you state your full name please ?

THE WITNESS: Franz Schlegelberger.

THE PRESIDENT: Will you repeat this oath after me.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. KUBUSCHOK:

Q. Witness, from what year on were you employed in the Justice Ministry ?

A. I was judge in the first and second degree, and from 1918 I was an assistant and then a secret councillor in the ministry.

Q. When did you become State Secretary ?

A. In 1931.

Q. At what time after the death of the Reich Justice Minister Guertner did you continue the business of the Justice Ministry ?

A. From January 1941 to August 1942.

Q. Were you a member of the Party ?

A. I was originally not a member of the Party. I never requasted admission into the Party. To my great surprise, on the 30th of January 1938, I received a letter from the chief of the Fuehrer's Chancellory that the Fuehrer had ordered my admission into the Party. Of course I could not reject this letter. And I should like to call myself an involuntary member of the Party.

Q. Were you in very close personal cntact with Minister Guertner so that you were constantly kept informed by him of all questions, not only of the Justice Ministry, but also of all general Government questions ?

A. Yes.

Q. Was Guertner's Ministry of Justice in the Papen cabinet ?

A. Yes.

Q. Was Guertner a Minister of Justice previously in the province of Bavaria ?

A. Yes.

Q. Did the activity of the total Government which met for cabinet sessions in the first period of the Hitler cabinet -- I mean the time up to the decree of the Enabling Act -- different from previous practice ?

A. No, the business was stated and conflicting opinions were discussed.

Q. Did this change after the Enabling Act was passed ?

A. Yes. The March elections and the adoption of the Enablins Act by the Reichsstag had strengthened Hitler's position. At first Hitler was reserved modest, different from von Hindenburg, and perhaps even embarrased, Now he was filled with the fact that he was to execute popular will, Perhpas that can be explained as Hitler had extended all his activities to winning over the masses; that he now saw his successes; that he believed he had read the will of the people correctly; that he considered himself the incorporation of the will f the people; and that he wanted to execute its authority.

Q. Did the position of the Reichs Chancellor, with that of the Reichs President, in August 1934 -- in addition to the general legal effects -- have any influence on the position and functions of the Cabinet ?

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A Yes; I see in this law the last step in the concentration of all power in the person of Hitler and I judged this law as important, particularly because it was generally approved by the decision of the people.

Q Was this will expressed in the law of the 16th of October 1934 -- was the duty of obedience towards the Fuehrer and Reich Chancellor established for the Ministry?

A Yes, and this law meant that the ministers, like other officials, were now bound by instructions.

Q Did the ministers now have the possibility to resign on their own wish?

A No.

Q Did later laws further reduce the activity of the cabinet?

A Yes. I am thinking of the law on the Four Year Plan and on the Ministerial Council for the Defense of the Reich.

Q Were considerable parts of the governmental activity decentralized and assigned to special offices? I am thinking of the appointment of Gauleiters, Reich Commissars, chiefs of civilian administration?

A Yes; the Gauleiters were appointed Reich Governors and the Reich Defense Commissars, the Deputy General or Administration was created, the Deputy General for Economy and for Labor Commitment.

Q Through the law on the unity of the party and state, of the 1st of December 1933, did cooperation between party and state agencies arise in practice or how did conditions develop in fact?

A Whoever had believed in this cooperation was soon severely disappointed. From the very beginning severe contrasts were whown between the state offices and the party offices and I can say from my own experience that an extraordinarily large part of the work became necessary because state agencies had to overcome the influence of the party offices.

H0195-0071

Q For what purpose and under what conditions was the Enabling Act submitted to the Reichstag in March 1933?

A The Enabling Act which is called "the law to relieve the distress of people and Reich" was issued because the machinery of the Reich worked too slowly and laws had to be created speedily but it had been expected with the Enabling Act to find only a temporary solution and for that reason it was limited to four years; later it was repeatedly extended.

Q For what reasons were special courts established and what especial circumstances were there in this procedure?

A Special courts were established during the Bruening cabinet in 1931, temporarily, and now they were created again because in this way things which needed special expedition had to be dealt with quickly. This could be achieved only with legal means eliminated, but in order to avoid unjust procedure and unjust sentences, a number of checks were established. The resumption of legal procedure in favor of the other was made easier; in the second place, the plea of invalidity to the Reich Court was approved which meant that the Reich Court could change the sentence and finally, a special appeal to the Reich Court was created, with the aid of which a completely new trial could be started. Finally, an official dissent was instituted. I may emphasize that the special courts and the legal aides, which I have mentioned, were as much in favor as against the defendants. This special court or regular judicial court were not exceptional courts and they consisted of professional judges.

Q Regarding the law of the 3rd of July 1934, what do you have to say about this law through which the measures of Hitler on the 30th of June 1934, were justified?

A After Hitler's statement and according to the wording of the law, this concerned exclusively the SA men who, according to the statement of Hitler which was credible at the time, had intended a revolt. To the worse extent, the law was absolutely

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justifiable because revolt meant a state of emergency in the sense of the term generally recognized in Germany. It was different in the case of victims of the procedure who did not belong among the members of the revolt and Hitler stated that to that extent cases should be prosecuted by law but a number of trials were started that ended in severe sentences. In a number of cases, however, Hitler used his legal right of veto.

For example, in the case of Klausner and Edgar Jung, and with the result in these cases, no trial was possible.

Q Did you and the Reich Minister of Justice Guertner, before the decision about the Nurnberg laws of the Reich Party rallies, did you know of them?

A No. I had left the Reich Party Rally and learned of these laws, on my journey, through newspapers or radio. The Reich Minister of Justice, Dr. Guertner, as I know with certainty from him, meant he did not know beforehand the intention to issue these laws.

Q What was the purpose of taking over the Department of Justice by the Reich?

A This was primarily in the general tendency of generalization but in addition, the Reich Minister of Justice carried out this measure with great energy. The provincial ministers of justice had National Socialist ministers and probably State Secretaries and a number of abuses arose. The taking over of the Department of Justice into the Reich had the effect that now it came into the hands of the Minister of Justice who was not a National Socialist and Minister of Justice and State Secretary who were not National Socialists.

Q What was your relationship between the party agencies and the Ministry of Justice?

A As a result of the transfer of the Department of Justice to the Reich, strong efforts on the side of the party to exert influence on the Ministry of Justice made themselves felt. The situation was such that an order of the Fuehrer had

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to be heard -- the party had to be heard before a judge or a high official was appointed. If the party did not limit itself to commenting on the candidat at the Justice Ministry but emp hatically recommended candidates of its own; later I came to the conviction that the par y thought to have an unsuitable man in the position and we opp sed and we kept the position open, when later we filled it ith different men who were more suitable, in our opinion. Rep atedly, we observed that in civil trials party agencies approached the judges and tried to persuade them that in the public interests this or that decision was necessary -- and in order to avoid this, at the suggestion of the Minister of Justice, the law on the cooperation of the state prosecutor in several ca es was issued according to which the judge to whom such an announcement was made, could tell the party agency, address the State Secretary, as competent to work for the public interest. I recall further a case in which Gauleiter Adolf Wagner in Mun ch told me that he was going to appear in a civil trial and make a speech in order to convince the court that party members h d a right to a civil trial. On behalf of the Reich Minister Justice, I visited the defendant Hess and asked him to pr ever the appearance of Gauleiter Wagner and this wish was fulfilled.

Another means to influence Justice was done by the Schwarze Korps.

THE PRESIDENT: How does this evidence bear on the Reich Cabinet?

DR. KUBUSCHOK: The witness knows conditions in the Ministry of Justice, and from his own activities. I am limiting myself to a few especial cases in one ministry. I have no more questions on this point. I believe the witness is almost finished with his answer.

A The Schwarze Korps repeatedly promised to publish the sentences, but did not keep their promises. The Ministry of Justice had occasion to hold conferences with the President of the Courts of Appears, but took advantage of these occasions to say that if they should point out to the Justices their intentions and any definite cases which they had to report to the Ministry.

Q In cases known to you, did the Ministry of Justice take steps in cases of mistreatment in concentration camps?

A I know of cases where the Ministry of Justice took steps, in cases in which he was aware. In 1933 two lawyers, employed in the Ministry of Justice, were assigned the task of investigating all cases reported to him, and following them up with great emphasis. This was done, and in many cases, sentence was passed. Since 1939, the special jurisdiction of the SS was withdrawn from the jurisdiction of the Ministry of Justice.

Q What were the personal relations of the Ministers to Hitler?

A I believe one must make a distinction between Hitler's relation to the party ministers and the non-party ministers. If they did not belong to the Party, they were distant, he didn't trust them. As to the Party Ministers, the relationship varied greatly. I believe, for example, that Ministers Rust and Darre were not as close to him as Goering and Goebbels. But the Party members, too, Hitler did not trust completely. This is shown by the fact that as far as I know, even Party members for years were not admitted to report to the Fuehrer.

Q Was the circle of close confidence of the Ministers comparatively small?

A Yes, very small. To my knowledge it was limited to a few person:

H0195-0074

Q Did Hitler take measures to prevent cooperation of the Ministers or personal contact among themselves?

A Hitler's point of view was that frequent meetings of the Cabinet Members was undesirable. From '38 on he emphatically rejected all attempts to form a Cabinet, even expressly prohibited unofficial meetings such as a "beer evening."

Q Did you and Minister of Justice Guertner, before theoutbreak of war, know anything about Hitler's plans?

A No. I may remark that I had the intention in the late summer of '39 to take a cure in Marienbad. For that reason, as the situation was tense, I asked the Minister of Justice what he thought about it, and he said, "Go right ahead. I consider it impossible that there will be any hostilities." Then I went to Marienbad, and at the beginning of September, when the war broke out, I returned.

DR. KUBUSCHOK: I have finished the examination.

CROSS EXAMINATION

BY DR. KEMPNER:

Q Is it true, Dr. Schlegelberger, thatthe Reich Ministers, which means the members of the Reich Cabinet, had the highest rank, had the highest responsibility, and the highest pay of all German officials?

A Yes.

Q Is it correct to state thata member of the Hitler Cabinet had the right to resign if he did not agree with Hitler's policies?

A I believe so.

Q Do you know of any cabinet member, or Secretaries like yourself, who resigned?

A One minister had to resign.

Q What was his name?

A Elz von Ruebenach.

Q Do you know a State Secretary who resigned?

A I don't remember.

Q Yourself, Dr. Schlegelberger, did you resign?

A This question is not easy to answer.

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Q When did you leave your office?

A In August 1942 I was dismissed by the Fuehrer.

Q Is it a correct statement if I say you were dismissed because you did not like the policies of the Fuehrer concerning the Judges?

A Yes, that is true.

Q Now, you remember that the Minister of Economics, Dr. Kurt Schmidt, resigned?

A I do not know that from my own knowledge, whether Dr. Schmidt resigned or whether he was dismissed.

Q Then I like to refresh your memory, and I show you an affidavit, a new document, a short one, which I give to the Court. This document will become Exhibit 928.

DR. KUBUSCHOK: I should like to object to the admission of this affidavit. It deals with questions concerning the resignation of the witness which concerns him personally and in which he is greatly interested personally. This question, in my opinion, is not material at all. The witness should come here himself, he lives near Munich. I believe that this affidavit is not sufficient to prove the credibility of the witness in any way. The witness stated he didn't know anything about it. I believe the examination to question the credibility of this witness is not fulfilled by this document.

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THE PRESIDENT: Dr. Kempner, the Tribunal thinks you should submit the facts of the resignation to the witness.

DR. KEMPNER: You know that the Minister of Economics resigned ? Do you remember now ?

WITNESS: Yes, I remember, but I do not know whether he resigned or whether he was dismissed. That I do not know.

DR. KEMPNER: Do you know that the Minister Schmitt resigned because he knew that Hitler's policy would lead to war ?

WITNESS: That is unknown to me.

THE PRESIDENT: Dr. Kempner, the Tribunal thinks you could put the first part of the affidavit to the witness.

DR. KEMPNER: I go back to the resignation of Minister Schmitt and ask you whether the following is true or not : "As Minister of Economics I was a member of the Reich Cabinet from June 30 1933 until the beginning of January 1935. I resigned from the Cabinet, technically for reasons of ill health (June 29, 1934) but factually because of deep differences of opinion with the policy of the Hitler Cabinet." Are you informed about this Dr. Schlegelberger ?

WITNESS: I can only repeat, I only know that Mr. Schmitt was Reichs Minister of Economics and he then left the cabinet. In what way he left, whether he was dismissed, whether he wanted to be dismissed or whether he was dismissed for sickness or differences of opinion, I do not know.

BY DR. KEMPNER:

Q. You know it is the truth that two ministers resigned and they were not put in concentration camps ?

A. That is certainly ture.

Q. This answers my question. Is it true that the Reichs Cabinet did legislate it s powers continuously ?

A. Yes.

Q. Is it true that the Reichs Cabinet had more than one hundred meetings and passed numerous laws. Is that correct ?

A. Yes.

Q. Is it ture that the Reichs Cabinet continues to pass and promulgate laws through the Enabling act even without formal action by circulating the laws among the Reichs Cabinet members ?

A. It is true.

Q. How many laws were passed by the Reichs Cabinet through this circulation provision in the year 1939 ?

A. No, I cannot answer that.

Q. In the year 1939 alone the Reichs Cabinet passed the following laws ...

THE PRESIDENT: Dr. Kempner, you can state what the fact is.

DR. KEMPNER: If I told you that they passed 67 laws, would you say that is the correct statement ?

WITNESS: I assume so, but if you say so, Dr. Kempner, it is true.

BY DR. KEMPNER:

Q. Do you know that the Reichs Cabinet had also the duty to approve the Reichs budget, because they had to approve the budgets of all ministires ?

A. Yes.

Q. Would you say that the members of the Reichs Cabinet were informed about the things which were going on in Germany because they had to approve the budget of all ministries ?

THE PRESIDENT: Dr. Kempner, you are asking the next question a little too quickly. We did not hear the answer come through. The witness said there is very little to be derived from the budget or something of that sort.

DR. KEMPNER: Will you repeat the answer to the last question ?

WITNESS: I believe that very much can be determined from the Reichs budget, but not everything.

BY DR. KEMPNER:

Q. You know that the Reichs budget had special provisions for concentration camps ?

A. No, I did not know that.

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Q. When you were the acting Minister of Justice, did you have anything to do with the anti-Jewish legislation ?

A. I believe that during the period in which I was active, one law or decree was issued in the year 1940 as far as I can recall, concerning conditions that effected Jews.

Q. Do you remember that you yourself made up legislation, together with the defendant, Dr. Frick, to sterilize all half Jews in Germany and the occupied territories ?

A. No, I do not recall that.

Q. I could show you a letter from the official files, which bears your signature and you might be able to refresh your memory by reading this letter. This will be my last question.

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DR. KEMPNER: This will become US Exhibit No. 923.

BY DR. KEMPNER:

Q. Do you remember now that you put your signature under this terrible document ?

A. Yes, I remember; yes, I remember it.

Q. Do you remember that the Party and that the defendant Frick proposed to sterilize all half-Jews ?

A. Yes.

Q. And you remember that the various cabinet members, like the Defendant Goering, the chief of the 4-Year Plan, that the Reich Minister of the Interior, Dr. Frick (attention of his Secretary of State), that the Foreign Office (attention Under-Secretary Luther) got copies of this legislative proposal ?

A. Yes.

Q. And you remember, on Page 1 of this document, that this legislative proposal to sterilize all half-Jews should be submitted to Hitler ?

A. I did not quite understand the question ?

Q. Do you remember that your and Dr. Frick's proposal should be submitted to Hitler ?

A. (No response)

Q. Yes or no ?

A. Dr. Kempner, I beg your pardon, I still have not quite understood your question.

Q. Was it not true that this proposal should be submitted to Hitler ?

A. I believe so.

Q. And you remember what Hitler said ?

A. No, I do not remember that.

Q. Is it a true statement that if your Secretary of State Freisler told you that if Hitler does not like this sharp measure of the Reich Cabinet at the present time, he will postpone it until after the war ?

A. I do not remember that.

Q. You regret deeply your signature under this law ?

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A. I can say yes. I should like to add only one thing. At that time, it was a serious struggle to obtain this limitation which was in the letter.

Q. But you regret deeply these crimes; is that correct ?

A. I regret greatly that I signed this.

DR. KEMPNER: That is all.

THE PRESIDENT: Yes, Dr. Dix.

DR. DIX (Counsel for the defendant Schacht): Your Lordhsip, I ask the Tribunal to permit me to ask three questions of the witness. Of course, these questions arise from the cross-examination of Dr. Kempner, because the answers to these questions themselves concern the interests of the defendant Schacht directly, and becuase the charge against the Reich Cabinet is not being discussed, but in the period known to the Tribunal, Schacht was a member of the Reich Cabinet. For these reasons, I ask the Tribunal to make an exception and to permit me, after the cross-examination, although I am hot a defense counsel for an organization, to ask questions of this witness.

THE PRESIDENT: Go on.

REDIRECT EXAMINATION

BY DR. DIX:

Q. Dr. Schlegelberger, for the dismissal of a minister, was Hitler's signature necessary ?

A. Yes.

Q. Do you recall that not immediately after 1933, but later, perhaps only during the war, Hitler expressly prohibited Reich Ministers from handing in their resignations ?

A. I may say the following : An order was issued changing the German Civil Servant's law. According to this law, every official had the right to be released from his office. This right was abolished during the war. It was decreed that the dismissal did not have to be given. And as I recall, Hitler actually did not accept resignations of ministers.

Q. Now, my third and last question : As State Secretary, you answered something on this question about the dismissal of the former minister,

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Elz von Ruebenach. You said, yes, he resigned. To examine your memory, may I point out that we heard here from Goering on the witness stand a modified version of this event which agrees with the recollection of the defendant Schacht. Of course, I do not have the transcript of the Goering case before me. I can only give Goering's testimony from memory. But I believe that I shall present it essentially correctly. According to the testimony, this difficulty developed from the wearing of the Golden Party Emblem by the various ministers, including Elz von Ruebenach. When Hitler, with the idea of pleasing the ministers, had given him this Golden Party Emblem he made some remarks some to the effect of whether he was entering upon any confessional obligations. Hitler was annoyed at this, and then it came about that Elz von Ruebenach was dismissed. It was not exactly a resignation on von Ruebenach's own initiative.

I believe that I reproduced Goering's testimony correctly.

A. I know these events only from reports which I received from others. I myself was not present at the incident. I have no reason to believe that the defendant Goering, who was present, did not describe the things as they actually happened.

Q. You say you know the story only from reports; that is, oral reports from Mr. Guertner, for example ?

A. (Nods head).

Q. Do you still recall these reports, more or less ? Or does what I have just said refresh your memory ?

A. No; I recall vaguely that according to Mr. Guertner's report, Elz von Ruebenach had said something about confessional obligations, and that the Fuhrer was annoyed at that, and the conflict had resulted from that incident. I can recall this matter now. I have no reason to doubt the correctness of an eye-witness.

DR. DIX: That is all.

THE PRESIDENT: The Tribunal will adjourn now.

(The Tribunal adjourned until Saturday, 3 August 1946 at 1000 hours).